THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18664 OF 2006

DATED: 11TH SEPTEMBER, 2006.

Between :

M. Gopal ... Petitioner

And

The Deputy Commissioner of Prohibition & Excise
Mahaboobnagar
And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18664 OF 2006

ORDER :

This writ petition is filed aggrieved by the order passed by the 1st respondent dated 26-8-2006 to the extent of condition imposed to furnish Bank Guarantee / Fixed Deposit Receipt (FDR) to the value of vehicle seized while granting interim custody of the vehicle seized for an offence under A.P. Excise Act, 1968.

It is not in dispute that the vehicle in question was seized on the allegation of illegal transportation of Black-jaggery, and the proceedings for confiscation of the vehicle under the A.P. Excise Act, 1968 are pending. Since the vehicle in question is also liable for confiscation in the event the offence is established, the 1st respondent while granting interim custody directed the petitioner to furnish Bank Guarantee/FDR to the value of the vehicle. Though such condition cannot be held to be illegal, having regard to the plea of the petitioner that he purchased the vehicle in question by obtaining loan from a finance company and that he has no means to furnish Bank Guarantee as ordered by the 1st respondent, I deem it appropriate to dispose of the writ petition modifying condition No.1 of the impugned order dated 26-8-2006 as under :

> *"The petitioner shall furnish immoveable security to the satisfaction of the respondent for the value of the vehicle seized."*

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 11-9-2006
gbs